

TO: Members of the Senate Agriculture, Livestock, and Irrigation Committee

FROM: Sue O'Connell, staff research analyst

RE: Support services available to committee members

I will perform the following functions in support of the committee:

1. draft amendments for consideration during executive action, using the same bill-drafting guidelines as were applied to the original bill;
2. draft proposed amendments upon request of individual committee members before committee action on a given bill;
3. draft proposed amendments to be moved on Second Reading before the full Senate or House of Representatives upon request of any committee member;
4. draft committee bills;
5. review legislation and advise the committee as to legal concerns, internal consistency, possible conflicts with existing provisions and other bills, and compliance with bill-drafting provisions;
6. attend subcommittee meetings to perform the appropriate functions listed above;
7. attend conference committee or free conference committee deliberations as assigned to perform the appropriate functions listed above; and
8. assist the committee or an individual committee member in obtaining data or any pertinent information from state or local agencies, the federal government, or other states pertaining to bills under deliberation by the committee.

My office is located on the first floor of the Capitol, in Room 136-B, and my telephone number is 444-3597. My regular office hours are 7 a.m. to 5:30 p.m. on Mondays, Wednesdays, and Fridays. On Tuesdays and Fridays, I'll be in the office by 7:30 a.m. I also will be working most Saturdays on an unscheduled basis. During January, I will have extended hours.

I look forward to working with you this session.

Draft Session Committee Rules of Procedure
For consideration and Adoption by 2015 Standing Committees

- I. Public Hearings on Proposed Legislation
 - A. Hearing Process
 1. The Presiding Officer will announce the bill and sponsor and set any testimony time restrictions.
 2. Proponents of the bill will present testimony.
 3. Opponents of the bill will present testimony.
 4. Informational witnesses should be allowed to introduce themselves. Committees should determine whether the informational witnesses are allowed to present testimony. Presiding Officers may reserve the right to designate an informational witness as a proponent or opponent should the information be supportive or critical of the bill.
 5. Questions for the sponsor, proponents, opponents, or informational witnesses may be asked by committee members and will be directed through the Presiding Officer.
 6. The sponsor of the bill will close the presentation.
 - B. Witnesses
 1. All witnesses must sign the witness sheet before presenting testimony.
 2. Proponents and opponents should try to state new points of testimony only. If they wish to agree with points already made, they should simply say so.
 3. Witnesses presenting testimony before the committee should remain in the room to answer any questions from committee members until the hearing is closed.
 4. Written testimony may also be submitted for the permanent committee record. Written testimony should include the name and affiliation of the person submitting the testimony.
 5. Testimony requiring the use of video, audio, or other equipment is permitted, if arrangements are made in advance. A copy of the testimony should be provided to the secretary for the permanent record.
 6. Absentee video or audio testimony is not permitted.
 7. If a member of the committee wishes to testify on a bill, that member will sit in the audience as a member of the public during the hearing. That member may not both testify and ask questions of the public during the hearing.
 - C. General
 1. A quorum is required to call a meeting to order.
 2. Everyone will act and be treated in a courteous manner.
 3. The Presiding Officer will maintain order during meetings.
 4. The use of cameras, television, radio, or videotaping equipment is allowed, but the Presiding Officer may designate areas appropriate for use.
 5. Attendance is expected of members appointed to a committee.

II. Executive Action

- A. A quorum is required to take executive action.
- B. Generally, executive action will not be held the same day as the public hearing on the bill. Executive action may be taken on the same day on noncontroversial bills or due to time constraints.
- C. Executive action is open to the public, but discussion is limited to committee members. Members of the public may be asked questions by committee members at the discretion of the Presiding Officer.
- D. Absentee voting by committee members is permitted in writing through the use of a proxy form. The contents of the form must be determined by the committee at the start of the session.
- E. Motions by committee members do not require a second.

III. Amendments

- A. Requests for Amendments
 - 1. Requests for amendment drafting should be given to staff at least 24 hours in advance of executive action.
 - 2. Amendments must be requested by a legislator, and the request may be made in writing, by e-mail, via a phone call, or in person.
 - 3. Conceptual amendments are discouraged. Amendments are drafted by staff in advance to ensure time for review, editing, and distribution. If a conceptual amendment is allowed, staff must be afforded the opportunity to make corrections and edits without further committee review or action.
 - 4. Any member of the public may ask a legislator to request an amendment.
 - 5. Staff will not draft amendments for bills outside of this procedure.
- B. Amendment Protocol
 - 1. Committee members are the only legislators who can move amendments to a bill while the bill is in committee.
 - 2. Pursuant to Article V, section 11 of the Montana Constitution, amendments must be within the title of the bill. This prohibits a bill from being amended in such a way that the original purpose, as stated in the title, is changed.

IV. Notice of Hearings: See Rules of the Montana Legislature

- A. Senate Rule 30-60 provides:
 - 1. All meetings of committees must be open to the public at all times, subject always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place of committee meetings must be announced.
 - 2. Notice of a committee hearing must be made by posting the date, time, and subject of the hearing in a conspicuous public place not less than 3 legislative days

in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:

- (a) prior to the third legislative day;
- (b) less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing;
- (c) to consider confirmation of a gubernatorial appointment received less than 10 legislative days before the last scheduled day of a legislative session; or
- (d) due to appropriate circumstances.

V. Proxies

Proxies are allowed by rule and must be in a written form and reflected in the minutes. The committee is to decide how to handle proxies and how much information is to be submitted on the proxy form. Samples, based on past usage, are under Appendix 3. Forms may change depending on leadership directives or adoption of new rules.

Guideline on Use of Electronic Devices

Adopted by the Legislative Council

November 13, 2014

To be included in the publication of the Rules of the Montana Legislature (2015) as a Guideline

(1) A legislator's primary focus should be on serving their constituents and the citizens of the state of Montana. Courtesy and respect by and for legislators, staff, and the public is expected. During committee hearings, the public testimony should be the priority focus of a legislator. Legislators should avoid various forms of distraction that could lead the public to believe that their testimony is not being heard, i.e., newspapers and other reading material should be placed away during testimony.

(2) Use of electronic devices other than for committee or floor business is generally discouraged, and if used, should be a tool for taking notes and for pertinent research, reference, and communication to assist a legislator in being more productive. Use of electronic devices should be nondisruptive and open; extraneous communication should be limited; and if a legislator must communicate for a nonhearing-related reason that may take some time, the legislator should excuse him or herself from the hearing.

(3) Use of electronic devices for written communication regarding legislative business may potentially constitute a public record that could be subject to the public right-to-know provisions of the Montana Constitution.

Senate Agriculture, Livestock, and Irrigation Committee Committee Member Responsibilities

Committee members are responsible for:

1. Knowing the rules, protocols (for example, asking questions through the Presiding Officer and knowing what to do in an emergency), and proper questioning of witnesses (for example, not treating them as if they were on trial in a court).
2. Providing amendments in advance to the committee staff for proper drafting and editing.
3. Showing up for committee meetings and paying attention to the work of the committee, in particular to bills being heard by the committee and to witnesses who are testifying on a bill. It is important to remember that colleagues who are not on the committee may rely on members of the committee to explain a bill heard in that committee (because as much as everyone would like to read ALL the bills, legislators often rely on committee members to explain the details.) Complaints heard from the public include:
 - a. Frequent absences from a committee meeting. (Apologies to committee members may assuage the situation.)
 - b. Use of a computer/cell phone in the committee room for e-mails or other work that does not appear to be related to the bill being heard by the committee.
 - c. Frequent snacking in a manner that indicates the member is not paying attention to the bill hearing. Getting coffee, etc., is best done between hearings on bills or between hearings and executive action.
4. Letting the presiding officer or the minority vice presiding officer know if the committee member is unable to attend a committee meeting and providing a written proxy for bills and amendments to the appropriate vice presiding officer.

Benefits of Committees to the Institution

Committee hearings play a critical role in enabling citizen participation in the legislative process in Montana. Citizens may also participate by communicating with legislators about specific pieces of legislation through letters, electronic mail, or phone messages.

Committees are the only official time to hear directly from citizens favoring or opposing a bill. Some travel hundreds of miles to comment. Committees have time to get into the nuts and bolts of public policy in a way that the full body can't. It is important to stress that committees are your time to be face to face with the public and your constituents. Committees are often where the public gets its perception (good or bad) of the Legislative body, its work, and the legislative process in general.

A well-run committee meeting attended by all, or most, of the committee members will leave a vastly different impression on the public than a disorganized, sparsely attended hearing.

Benefits of Committees to Committee Members

As a legislator and committee member, you have the opportunity to:

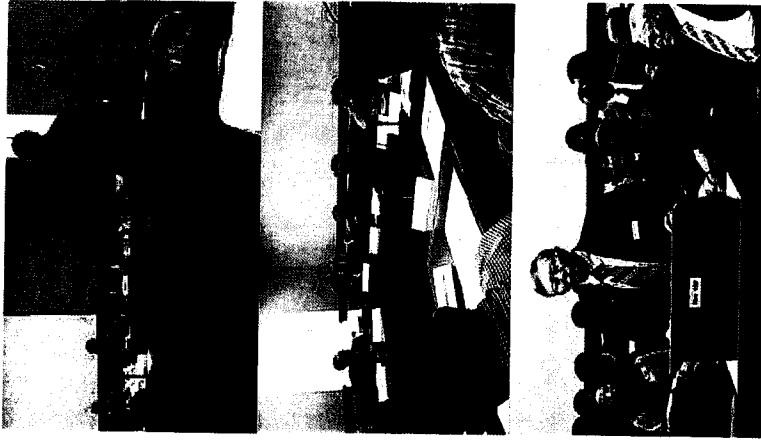
- develop expertise in a particular field and oversee the state agencies associated with those issues;
- plan and participate in a forum that evaluates, refines, and creates legislative policy;
- allow your constituents access to critical legislative policy decisions; and
- promote governmental accountability.

For more information, please contact the Legislative Services Division:

State Capitol
P.O. Box 201706
Helena, MT 59620-1706
406 444-3064
<http://leg.mt.gov>

***Legislative
Services
Division***

Guidelines for Being an Effective Committee Member



2014-2015

Overview

During each Legislative Session, much of your day is spent in committee, considering, amending, and approving or rejecting legislation in various issue areas. You come here with expertise in a subject, and you develop even more expertise during your time here. You use that knowledge to vet bills in committee for the full House or Senate.

This brochure provides general information about the benefits and responsibilities of committee membership in the Montana Legislature. It is not a comprehensive digest of statutes, rules, or other applicable provisions. Legislators are advised to consult the actual laws and rules to determine specific questions. This is easily done using the indexes that are published with the Montana Code Annotated (MCA) and the *Rules of the Montana Legislature*.

Committees also develop rules of procedure that outline how a committee will conduct its business. The rules are posted and made available at committee meetings. This practice helps everyone involved in the meetings to make the best use of their time and to facilitate participation in the process.

To Be An Effective Committee Member

In a nutshell . . . be engaged and participate. Committee members devote time and effort to understanding the issues, evaluating the information presented, and formulating sound recommendations. In fulfilling this role:

- know the committee rules, for example, the chair decides points of order, and committee protocols, like ask questions through the presiding officer and speak into the microphone;
- provide amendments in advance to staff for proper drafting;
- show up for committee meetings and pay attention to the work of the committee. Colleagues who are not on the committee often rely on committee members to explain a bill;
- avoid use of a computer/cell phone for work that does not appear to be related to the bill being heard by the committee;
- let the presiding officer or the minority vice presiding officer know if you are unable to attend and provide a written proxy for bills and amendments; and
- get to know your staffer and how they are able to assist you.

Your Rights as a Committee Member

Montana law provides that a "legislator has a responsibility to the legislator's constituents to participate in all matters as required in the rules of the legislature". Participation hinges upon understanding the bills, amendments, and motions before a committee. If you are unclear about a bill or a motion, seek clarification. After hearing from the public, members may ask questions of those who testified. During executive action, members may ask questions of one another, of staff, and, at the committee's discretion, of others.

A presiding officer provides the best experience for committee members by controlling the hearing process to ensure hearings are conducted fairly and in a manner that demonstrates respect for members. Although the presiding officer is responsible for the efficient management of the committee, it is the committee, as a whole, that is ultimately responsible for the conduct of committee work.

Decisions by the presiding officer are, as in the body of each respective house, subject to modification or reversal by a majority of a quorum of the members of the committee.

Common Motions in Session Standing Committees

Do pass. The bill (in the originating house) is recommended to be placed on second reading as received by the committee.

"I move that _____ Bill No. _____ do pass."

To amend. The motion is to propose to change the bill in a specified manner.

"I move an amendment (sometimes it is necessary to refer to the number in the lower corner) to _____ Bill No. _____."

Do pass as amended. The bill (in the originating house) is recommended to be placed on second reading with amendments adopted by the committee to be engrossed into the second reading copy.

"I move that _____ Bill No. _____ do pass as amended."

To table. A nondebatable motion to set aside consideration of a bill. The bill remains in committee and is not reported to the floor. This motion is often used to finally dispose of a bill without requiring consideration by the Committee of the Whole.

"I move that _____ Bill No. _____ be tabled."

To take from the table. A motion to resume the consideration of a bill previously set aside by a majority of the committee members present (proxies not allowed). The motion is nondebatable. Previously adopted amendments come with the bill when it is taken from the table.

"I move to take _____ Bill No. _____ from the table."

Postpone action. Consideration of the bill is delayed, often to a date certain. Sometimes an explanation is provided.

"I move to postpone action on _____ Bill No. _____ until (a date certain)."

Previous question. A motion to stop debate and vote on the motion. This motion is nondebatable.

"I call the question."

Be concurred in. The bill received from the other house is recommended to be placed on second reading in the form received by the committee.

"I move that _____ Bill No. _____ be concurred in."

Be concurred in as amended. The bill received from the other house is recommended to be placed on second reading with amendments adopted by the committee to be engrossed into the second reading copy.

"I move that _____ Bill No. _____ be concurred in as amended."

To segregate. A motion usually used to separate amendments for voting purposes.

"I move to segregate amendment(s) No. _____."

Substitute motion. A motion to substitute one motion for another. If passed, the original motion may be moot. If the substitute motion does not pass, the committee should move to the previous motion.

"I move to substitute motion (name of original motion) for a motion to (name of new motion)."

Request to divide a question. A request to divide a question is a privilege, not a motion. If a question involves two or more propositions so distinct that they can be separated and at least one substantive question remains after one substantive question is removed, the question may be divided. The request is nondebatable. The presiding officer may rule that a question is nondivisible.

Motion to reconsider. A motion to bring up a bill previously voted on but that has not yet been reported from the committee. The motion to reconsider action is usually made for the purpose of attempting to change a prior committee vote or to allow reconsideration of adopted or defeated amendments. Proxies may be used for a motion to reconsider.

Helpful Tips

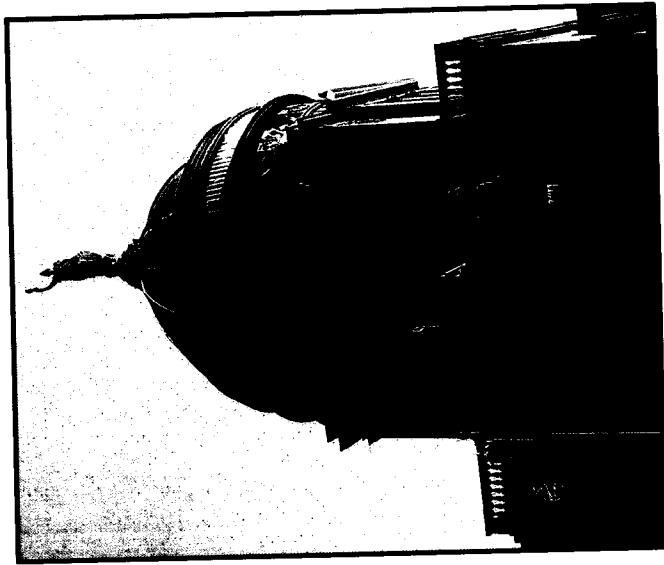
- * A second to any motion offered in a committee is not required.
- * If a fiscal note is required, a committee cannot report the bill out of the committee without the fiscal note. For amended fiscal notes, see JR 40-100.
- * A committee may request a substitute bill that strikes every section in the bill and replaces them with new material if the new material is relevant to the title and subject of the original bill. The substitute bill is an amendment.

Committee Rules

Joint Rules -- Chapter 30
House Rules -- Chapter 3
Senate Rules -- Chapter 3

Other motions that are allowed but are rarely used because they will consume Committee of the Whole time and resources:

- do not pass;
- do not pass as amended;
- be not concurred in (bill from other house); and
- be not concurred in as amended (bill from other house).



Motions in Committee

Montana
Legislature